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matter of claims 16 and 18. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

### **Drawings**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). Specifically, the Examiner stated that the drawings were objected to "because they do not include the following reference signs mentioned in the description: 72 as described on page 8 and 82 as described on page 9."

Applicants respectfully traverse the objection. The drawings were not amended because items 72 and 82 are illustrated in the drawings. Item 72 is illustrated in the approximate center of Fig. 3 and item 82 is illustrated in the upper right portion of Fig. 5. Withdrawal of the objection is respectfully requested.

### **Claim Objections**

In the Official Action, claim 7 was objected to because claim 7 is dependent from claim 6 and it appeared to the Examiner that claims 6 and 7 claim different embodiments. Claim 7 has been amended in light of the Examiners comments.

### **Rejection Under 35 U.S.C. § 112**

Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that:

Claim 1 recites the limitation "the rotatable shaft" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the second opening" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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Claim 1 has been amended in light of the Examiner's comments. Claim 2 has not been amended because "the second opening" in line 4 has antecedent basis in "a second opening" located in lines 3-4 of claim 2. Withdrawal of the rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 102**

In the Official Action, claims 1, 2, 6, 7, 11-15, 17, 22-24 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nisley, U.S. Patent No. 5,833,372. Applicants respectfully traverse the rejection.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). In order to maintain a proper rejection under section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984).

Claims 1, 2, 6, 7, 11-15, 17, 22-24, and 26 are not anticipated because the Nisley reference does not disclose all of the recited features of the claims. Some of the recited features of independent claim 1 that are not disclosed by the Nisley reference are: "a rotatable flinger secured to the cover, the rotatable flinger having a first opening therethrough, the first opening being adapted to receive a rotatable shaft and to enable the rotatable flinger to form a compression seal against the rotatable shaft."

In the Official Action, the Examiner stated that:

Re claims 1, 22-24 and 26, Nisley discloses a bearing assembly comprising a bearing insert (12), a bearing housing (24) adapted to house the bearing insert (column 4,

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lines 7-13), a cover (32) removably securable to the bearing housing and a rotatable finger (76) secured to the cover, the finger having a first opening therethrough, the first opening being adapted to receive a rotatable shaft (14) and to enable the rotatable finger to form a compression seal against the rotatable shaft.

The Nisley reference discloses a seal housing 28 and a shield 32 secured to seal housing 28 to protect the components of the seal. *See Nisley*, col. 4, lines 3-5. The Nisley reference also discloses a seal ring 76 having an inner surface 78 sized to fit tightly around shaft 14 when installed. *See Nisley*, col. 5, lines 5-8. Seal ring 76 also is adapted to interface with seal housing 28 to define a series of sealing structures. *See Nisley*, col. 5, lines 3-5. However, seal ring 76 is not a rotatable flinger, nor is seal ring 76 secured to shield 32. Therefore, the Nisley reference does not disclose "a rotatable flinger secured to the cover." Thus, the Nisley reference does not disclose all of the recited features of independent claim 1 or anticipate claim 1. Claims 2, 6, 7, 11, and 12 depend from independent claim 1 and also are not anticipated by the Nisley reference.

Similarly, one of the recited features of independent claim 22 that is not disclosed by the Nisley reference is "rotatably securing the flinger to a removable cover." As discussed above, seal ring 76 of the Nisley reference is not secured to the shield 32. Thus, the Nisley reference does not disclose all of the recited features of independent claim 22 or anticipate claim 22. Claims 23, 24, and 26 depend from independent claim 22 and also are not anticipated by the Nisley reference.

In addition, some of the recited features of independent claim 13 that are not recited by the Nisley reference are:

a rotatable member securable to the cover and adapted to receive the rotatable shaft therethrough, the rotatable member being configured to form a seal against the rotatable shaft and to rotate therewith to fling liquids or solids that come

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into contact with the rotatable member away from the bearing assembly.

In the Official Action, the Examiner stated that:

Re claims 13 and 14, Nisley discloses a sealing assembly for forming a seal between a bearing assembly and a rotatable shaft (14) comprising a cover (32) removably securable to a bearing housing (24) and a rotatable member (78) securable to the cover and adapted to receive the rotatable shaft therethrough, the rotatable member being configured to form a seal against the rotatable shaft and to rotate therewith to fling liquids or solids (sic) that come into contact with the rotatable member away from the bearing assembly.

As discussed above, the Nisley reference discloses a seal ring 76 having an inner surface 78 sized to fit tightly around shaft 14 when installed. *See Nisley*, col. 5, lines 5-8. However, the seal ring 76 is not secured to the shield 32. Furthermore, the seal ring 76 is not adapted to fling liquids or solids that come into contact with the seal ring 76 (or inner surface 78) away from the bearing assembly 12. Thus, the Nisley reference does not disclose all of the recited features of independent claim 13 or anticipate claim 13. Claims 14, 15, and 17 depend from independent claim 13 and also are not anticipated by the Nisley reference.

For all of these reasons, claims 1, 2, 6, 7, 11-15, 17, 22-24 and 26 are not anticipated by the Nisley reference. Withdrawal of the rejection and allowance of the claims are respectfully requested.

**First Rejection Under 35 U.S.C. § 103**

Claims 8, 9, 19-21, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nisley as applied to claims 1, 19 and 22 in view of Motsch. Applicants respectfully traverse the rejection.

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The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Claims 8, 9, 19-21, and 25 are patentable because the cited references do not disclose all of the recited features of the claims. In addition, claims 8 and 9 depend from independent claim 1, claims 19-21 depend from independent claim 13, and claim 25 depends from independent claim 22. For the reasons provided above, the Nisley reference does not disclose all of the recited features of independent claims 1, 13, and 22. The Mottsch reference does not obviate the deficiencies of the Nisley reference in failing to disclose all of the recited features of independent claims 1, 13, and 22. Therefore, claims 8, 9, 19-21, and 25 are patentable by virtue of their dependence from independent claims 1, 13, and 22, as well as by virtue of their own recited subject matter. Withdrawal of the rejection and allowance of the claims are respectfully requested.

#### **Second Rejection Under 35 U.S.C. § 103**

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nisley as applied to claims 1 in view of Tooley. Applicants respectfully traverse the rejection.

Claim 10 is patentable because the cited references do not disclose all of the recited features of the claim. For the reasons provided above, the Nisley reference does not disclose all of the recited features of independent claim 1. The Tooley reference does not obviate the deficiencies of the Nisley reference in failing to disclose all of the recited features of independent claim 1. Therefore, claim 10 is patentable by virtue of its dependence from independent claims 1, as well as by virtue of its own recited subject

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matter. Withdrawal of the rejection and allowance of the claim are respectfully requested.

**Conclusion**

In view of the above remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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